

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No. 11468 of 2004**

DATE OF DECISION: August 18, 2006

VIPUL INFRASTRUCTURE DEVELOPERS
LIMITED AND ANOTHER

...PETITIONERS

VERSUS

STATE OF HARYANA & ANOTHER

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.**

**PRESENT: MR. ADARSH JAIN ADVOCATE FOR THE PETITIONERS.
MR. ASHISH KAPOOR, ADD.A.G., HARYANA.**

ASHUTOSH MOHUNTA, J.

The challenge in the writ petition is to the issuance of the Notifications dated 13.8.2001 (Annexure P-10) and Notification dated 9.8.2002 (Annexure P-12) issued under Section 4 and 6 of the Land Acquisition Act, respectively.

The petitioners are the owners of the land measuring 6 biswas 1 biswansi situated in Revenue Estate of Chakkarpur. This land was acquired for public purpose, namely, for the development and utilization of land for residential and commercial Sector 28, Gurgaon. It has been contended by the counsel for the petitioners that provisions of Section 5-A of the Land Acquisition Act were not followed. It has further been averred that the petitioners had submitted an application on 10.4.2004, for grant of licence

but no decision has been taken on the application of the petitioners. It is contended that the petitioners have already spent a huge amount in developing the land and that the land in dispute cannot be used for any public purpose, as it is a small piece of land.

Reply has been filed by the State, wherein, it has been averred that keeping in view the traffic jam on Gurgaon-Mehrauli road, HUDA has already widened the Gurgaon-Mehrauli road. However, even after construction of four laning, the congestion on the road has not been controlled. It has further been averred that project for Metro Rail has already been finalized. It has further been averred that 14 metres wide service lane on both side of the Gurgaon-Mehrauli road is required to cater for the increased intensity of the traffic and in order to provide free flow of traffic on the Mehrauli-Gurgaon road, the land has been acquired. Apart from the above, two sub-ways have been proposed to cater to the pedestrian traffic and one multi-level parking has also been planned as per the plan. Thus, land of the petitioner is required to control heavy traffic on the Gurgaon-Mehrauli road.

We have perused the case file in detail. In the present case the Notification under Section 4 was issued as far back on 13.8.2001. The award has also been passed by the Land Acquisition Collector on 3.8.2004, and possession of the land has been transferred to HUDA. Moreover, a perusal of the reply shows that no objections were filed under Section 5-A of the Land Acquisition Act. Apart from the above, the land of the petitioners is required for providing service lane on either side of the Gurgaon-Mehrauli road on which there is very heavy traffic.

In our considered opinion the land of the petitioner is

required for the public purpose as stated in the Notifications issued under Section 4 & 6 of the Land Acquisition Act. Thus, we find no infirmity in the issuance of the Notifications and award. Accordingly, the writ petition is dismissed.

**(ASHUTOSH MOHUNTA)
JUDGE**

August 18, 2006
Gulati

**(NIRMAL YADAV)
JUDGE**